

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

UNITED STATES OF AMERICA

§

§

v.

§

Case No. 4:20–CR–269–Y-1

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ERIC PRESCOTT KAY

§

**LOS ANGELES TIMES COMMUNICATIONS LLC’S MOTION TO FILE A REPLY TO
ANGELS BASEBALL’S OPPOSITION TO MOTION TO UNSEAL JUDICIAL RECORDS**

Pursuant to Northern District of Texas Local Criminal Rule 47.1(f), Los Angeles Times Communications LLC (the “Los Angeles Times”) requests leave to file a brief in reply to Angels Baseball, LP’s Opposition to Non-Party Los Angeles Times Communications LLC’s Motion to Unseal Judicial Records. The brief submitted by Angels Baseball raises issues that were not implicated by the Los Angeles Times prior brief, and the Los Angeles Times’ anticipated reply brief—attached hereto as Exhibit A—would assist the Court by clarifying the issues necessary to resolve its Motion to Unseal Judicial Records.

Respectfully submitted,

/s/ James A. Hemphill

James A. Hemphill

Texas State Bar No. 00787674

jhemphill@gdhm.com

Christopher C. Cyrus

Texas State Bar No. 24097110

ccyrus@gdhm.com

GRAVES, DOUGHERTY, HEARON & MOODY P.C.

401 Congress Avenue, Suite 2700

Austin, TX 78701-3790

Telephone: (512) 480-5704

Fax: (512) 480-5804

ATTORNEYS FOR LOS ANGELES TIMES
COMMUNICATIONS LLC

CERTIFICATE OF SERVICE

I hereby certify that on January 11, 2022, a true and correct copy of the foregoing document was served on the following counsel of record via the Court's electronic service process.

Lindsey E Beran
Jonathan Glen Bradshaw
Joseph T. Lo Galbo
Errin Martin
UNITED STATES ATTORNEY'S OFFICE
1100 Commerce Street, Suite 300
Dallas, Texas 75242
lindsey.beran@usdoj.gov
Jonathan.bradshaw@usdoj.gov
joseph.lo.galbo@usdoj.gov
errin.martin@usdoj.gov

Michael D Anderson
John H. Cayce, Jr.
Ryan Roper
KELLY HART & HALLMAN
201 Main Street, Suite 2500
Fort Worth, Texas 76102-3194
michael.anderson@kellyhart.com
john.cayce@kellyhart.com
ryan.roper@kellyhart.com

Philip H Hilder
Stephanie K. McGuire
Quentin Tate Williams
HILDER & ASSOCIATES PC
819 Lovett Blvd
Houston, Texas 77006-3905
philip@hilderlaw.com
stephanie@hilderlaw.com
tate@hilderlaw.com

Michael Alessandro Molfetta
MOLFETTA LAW
3070 Bristol Street, Suite 580
Costa Mesa, California 92626
michael@michaelmolfettalaw.com

Ariel A Neuman
Oliver Rocos
Naomi S. Solomon
Nicole Rodriguez Van Dyk
BIRD MARELLA BOXER WOLPERT NESSIM DROOKS LINCENBERG & RHOW PC
1875 Century Park East, 23rd Floor
Los Angeles, CA 90067
aneuman@birdmarella.com
orocos@birdmarella.com
nsolomon@birdmarella.com
nrv@birdmarella.com

William Reagan Wynn
REAGAN WYNN LAW, PLLC
5049 Edwards Ranch Rd., Floor 4
Fort Worth, Texas 76109
rw@reaganwynn.law

/s/ James A. Hemphill

EXHIBIT A

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

UNITED STATES OF AMERICA

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v.

Case No. 4:20-CR-269-Y-1

ERIC PRESCOTT KAY

**LOS ANGELES TIMES COMMUNICATIONS LLC’S BRIEF IN REPLY TO
ANGELS BASEBALL’S OPPOSITION TO MOTION TO UNSEAL JUDICIAL RECORDS**

Angels Baseball’s response brief misconstrues the relief sought by the Los Angeles Times Communications LLC’s (the “Los Angeles Times”) Motion to Unseal Judicial Records in several respects:

- **First**, the Los Angeles Times’ Motion requests that the Court unseal the Government’s witness and exhibit lists. Angels Baseball’s response brief does not address or otherwise state any basis to oppose this relief.
- **Second**, the Los Angeles Times’ Motion requests that the Court make public *docket entries* that are currently sealed from public view. *See, e.g., United States v. Ochoa-Vasquez*, 428 F.3d 1015 (11th Cir. 2005) (observing that the press and public’s First Amendment and common law “right to access criminal proceedings extends to the proceedings’ docket sheets.”). Angels Baseball’s response brief does not address or otherwise state any basis to oppose this relief.

Instead of addressing the relief sought by the Los Angeles Times’ Motion, Angels Baseball’s response brief appears to preemptively argue that the contents of Dkt. 38, 59, 60, 60-1, 62, 63, 70 should remain sealed. But as stated in the Los Angeles Times’ Motion, those docket entries do not even appear on the Court’s public docket sheet. Thus, the Los Angeles Times has not had occasion to evaluate whether the contents of those docket entries should be unsealed or request such relief from the Court.

This briefing nevertheless shines a light on the importance of permitting the public to view the Court’s docket entries. As a number of circuit courts have observed, “docket sheets provide a kind of index to judicial proceedings and documents, and endow the public and press with the capacity to exercise their rights guaranteed by the First Amendment.” *Doe v. Public Citizen*, 749 F.3d 246, 268 (4th Cir. 2014) (quoting *Hartford Courant Co. v. Pellegrino*, 380 F.3d 83, 93 (2d Cir. 2004)). Thus, the sealing from public view of numerous docket entries in this case—presently, Dkt. 2, 13, 29, 32, 38, 45–46, 59–63, 65–66, 69–73, 83, and 86–87—constitutes “an unconstitutional infringement” on the First Amendment and common law rights of the public and the Los Angeles Times. *United States v. Valenti*, 987 F.2d 708, 715 (11th Cir. 1993). Moreover, this error is compounded because “there is no sealing order” available to the public, and thus “there is no sealing analysis—no reasons given, no authorities cited, no document-by-document inquiry. . . . There was no assurance that the extent of sealing was congruent to [any putative] need.” *Binh Hoa Le v. Exeter Fin. Corp.*, 990 F.3d 410, 420 (5th Cir. 2021) (Willett, J.).

As Angels Baseball’s response provides no basis to deny the relief sought by its Motion, the Los Angeles Times again respectfully requests that the Court grant its motions and unseal all docket entries in this case, as well as the government’s witness and exhibit lists.

Respectfully submitted,

/s/ James A. Hemphill

James A. Hemphill

Texas State Bar No. 00787674

jhemphill@gdhm.com

Christopher C. Cyrus

Texas State Bar No. 24097110

ccyrus@gdhm.com

GRAVES, DOUGHERTY, HEARON & MOODY P.C.

401 Congress Avenue, Suite 2700

Austin, TX 78701-3790

Telephone: (512) 480-5704

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Lindsey E Beran
Jonathan Glen Bradshaw
Joseph T. Lo Galbo
Errin Martin
UNITED STATES ATTORNEY'S OFFICE
1100 Commerce Street, Suite 300
Dallas, Texas 75242
lindsey.beran@usdoj.gov
Jonathan.bradshaw@usdoj.gov
joseph.lo.galbo@usdoj.gov
errin.martin@usdoj.gov

Michael D Anderson
John H. Cayce, Jr.
Ryan Roper
KELLY HART & HALLMAN
201 Main Street, Suite 2500
Fort Worth, Texas 76102-3194
michael.anderson@kellyhart.com
john.cayce@kellyhart.com
ryan.roper@kellyhart.com

Philip H Hilder
Stephanie K. McGuire
Quentin Tate Williams
HILDER & ASSOCIATES PC
819 Lovett Blvd
Houston, Texas 77006-3905
philip@hilderlaw.com
stephanie@hilderlaw.com
tate@hilderlaw.com

Michael Alessandro Molfetta
MOLFETTA LAW
3070 Bristol Street, Suite 580
Costa Mesa, California 92626
michael@michaelmolfettalaw.com

Ariel A Neuman
Oliver Rocos
Naomi S. Solomon
Nicole Rodriguez Van Dyk
BIRD MARELLA BOXER WOLPERT NESSIM DROOKS LINCENBERG & RHOW PC
1875 Century Park East, 23rd Floor
Los Angeles, CA 90067
aneuman@birdmarella.com
orocos@birdmarella.com
nsolomon@birdmarella.com
nrv@birdmarella.com

William Reagan Wynn
REAGAN WYNN LAW, PLLC
5049 Edwards Ranch Rd., Floor 4
Fort Worth, Texas 76109
rw@reaganwynn.law

/s/ _____